IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.10378 OF 2004

Mr.Nirmal Jain .. Petitioner
V/s
Union of India & Ors. .. Respondents

Mr.S.N.Kantawala for the Petitioner.
Mr.Rajiv Chavan with Mr.H.V.Mehta for the Respondents.

CORAM: S.RADHAKRISHNAN &
J.P.DEVADHAR, JJ.

DATE : 03.02.2005.

P.C.:

1. Rule. Rule is made returnable forthwith. The learned Counsel for the Respondents waives service. By consent taken up for hearing. Heard the learned Counsel for the parties.

2. After hearing the learned Counsel for the parties for sometime, the learned Counsel for the Respondents agrees that the matter can be remanded back to the CEGAT for de-novo hearing with regard to the reduction in fine and penalty.

3. Under the facts and circumstances of the case, the impugned order passed by the CEGAT dated 29th July, 2004 is quashed and set aside and the matter is remanded back to the CEGAT. The CEGAT shall decide the matter afresh with regard to the reduction in fine and penalty.

4. Rule is made absolute in the above terms.

(S.RADHAKRISHNAN,J.)

(J.P.DEVADHAR,J.)